

Defendant filed similar motions in the related cases of McKiver v. Murphy-Brown, LLC, No. 7:14-CV-180-BR, and McGowan v. Murphy-Brown, LLC, No. 7:14-CV-182-BR. In response, the plaintiffs challenged the constitutionality of § 1D-25 as applied and sought to distinguish Rhyne v. K-Mart Corporation, 594 S.E.2d 1 (N.C. 2004), where the North Carolina

Supreme Court upheld the constitutionality of § 1D-25 under various provisions of the North Carolina Constitution. This court rejected the plaintiffs' arguments, allowed defendant's motions, and recognized that the judgments in each case should reflect reduced punitive damages awards. McGowan (DE # 323); McKiver (DE # 277).

Here, plaintiffs advance similar arguments. Having considered those arguments, the court declines to vary from its earlier rulings.

Defendant's motion is ALLOWED. The judgment shall reflect that the amount awarded as punitive damages as follows:<sup>1</sup>

- James Jacobs: \$15 million;
- Jimmy Carr: \$15 million;
- Lucy Sidberry: \$12 million;
- Joyce Messick: \$9 million;
- Willie Messick: \$9 million; and,
- Edna Allison: \$10.5 million.

This 15 October 2018.



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W. Earl Britt  
Senior U.S. District Judge

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<sup>1</sup> The parties agree that these amounts are appropriately awarded as punitive damages if § 1D-25(b) applies. (DE # 238, at 1; DE # 242, at 2.)